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22 **UNITED STATES DISTRICT COURT**

23 **NORTHERN DISTRICT OF CALIFORNIA**

24 **SAN FRANCISCO DIVISION**

25 SONOS, INC.,

26 Plaintiff and Counter-
27 Defendant,

28 vs.

GOOGLE LLC,

Defendant and Counter-
Claimant.

CASE NO. 3:20-cv-06754-WHA

**DECLARATION OF JAMES JUDAH IN
SUPPORT OF GOOGLE LLC'S MOTION
IN LIMINE NO. 1 TO EXCLUDE
PORTIONS OF THE EXPERT REPORT
AND CERTAIN TESTIMONY OF MR.
JAMES MALACKOWSKI REGARDING
HIS "MARKET APPROACH" TO
CALCULATING DAMAGES, AS WELL
AS THE EXPERT REPORT AND
TESTIMONY OF DR. KEVIN
ALMEROTH**

1 I, James Judah, declare and state as follows:

2 1. I am an attorney licensed to practice in the State of California and am admitted to
3 practice before this Court. I am a Partner at the firm of Quinn Emanuel Urquhart & Sullivan, LLP
4 and am counsel of record for Plaintiff Google LLC (“Google”).

5 2. I provide this declaration in support of Google’s Motion *In Limine* No. 1 to
6 Exclude Portions of The Expert Report And Certain Testimony of Mr. James Malackowski
7 Regarding his “Market Approach” to Calculating Damages, as Well as the Expert Report and
8 Testimony of Dr. Kevin Almeroth. If called as a witness, I could and would testify competently to
9 the information contained herein.

10 3. Exhibit 1 is a true and accurate excerpt of the Supplemental Expert Report of Dr.
11 James Malackowski dated December 9, 2022.

12 4. Exhibit 2 is a true and accurate copy of a capture from the “Welcome to IFTTT”
13 page of the IFTTT website, https://ifttt.com/explore/welcome_to_ifttt as of April 13, 2023.

14 5. Exhibit 3 is a true and accurate copy of a capture from the “What is IFTTT” page
15 of the IFTTT website, https://ifttt.com/explore/new_to_ifttt as of April 13, 2023.

16 6. Exhibit 4 is a true and accurate copy of a capture from the “IFTTT Plans at a
17 glance” page of the IFTTT website, [https://help.ifttt.com/hc/en-us/articles/360053706813-IFTTT-](https://help.ifttt.com/hc/en-us/articles/360053706813-IFTTT-Plans-at-a-glance)
18 [Plans-at-a-glance](https://help.ifttt.com/hc/en-us/articles/360053706813-IFTTT-Plans-at-a-glance) as of April 13, 2023.

19 7. Exhibit 5 is a true and accurate excerpt of the January 30, 2023 deposition
20 transcript of Dr. James Malackowski.

21 8. Exhibit 6 is a true and accurate excerpt of the Opening Expert Report of Dr. Kevin
22 C. Almeroth dated November 30, 2022.

23 9. Exhibit 7 is a true and accurate excerpt of the August 28, 2022 deposition transcript
24 of Dr. James Malackowski.

25 10. Exhibit 8 is a true and accurate excerpt of the January 30, 2023 deposition
26 transcript of Dr. Kevin Almeroth.

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11. Exhibit 9 is a true and accurate excerpt of the Rebuttal Expert Report Regarding Damages of W. Christopher Bakewell dated January 13, 2023.

12. I declare under penalty of perjury under the laws of the United States of America that to the best of my knowledge the foregoing is true and correct. Executed on April 13, 2023, in Hillsborough, California.

DATED: April 13, 2023

Respectfully submitted,

By /s/ James Judah
James Judah